

when voters decided to put Republicans in charge of the House of Representatives.

Throughout this time, I have held out hope that our friends on the other side would rise to the occasion, if not when Republicans controlled the White House, at least when they did.

I was encouraged further when President Obama said repeatedly in 2009 that his administration would seek to work with us on serious entitlement reform that preserves the safety net for our seniors, for people with disabilities, and which also puts it on a firmer, stable footing for generations to come.

The President has acknowledged the seriousness of the problem. He has noted himself that costs are escalating, even as the population is getting older, creating a perfect storm for a fiscal crisis that dwarfs even today's budget crisis, as urgent as it is.

If both parties agree on all this, I thought, then there is no reason we cannot do this for the good of the country. The urgency for action has only intensified in recent months, as we have seen an uproar in a number of State capitals.

Every State is different, but the problems in every one of them can be summed up pretty easily. Lawmakers from New Jersey to California and just about everywhere in between made promises they could not keep. But the promises lawmakers in Washington have made put the States to shame. If you add up the unfunded liabilities in all 50 States, you get, by one estimate, about \$3 trillion total. Add up Washington's promises on Social Security and Medicare alone, and it is over \$50 trillion—\$50 trillion that we promised to the American people that we do not know how we are going to pay for.

Something must be done, and now is the time to do it. Republicans are ready and willing. Where is the President? Suddenly, at the moment when we can actually do something about this, he is silent. As one columnist in the Washington Post put it: "For a man who won office talking about change we can believe in, [the President] can be a strangely passive president."

On the greatest fiscal challenge of the day, he appears, at least so far, to have taken a pass. This is obviously deeply disappointing to me personally, given my repeated raising of this issue. But more importantly, it should be deeply disappointing to every American who had reason to hope we could tackle these issues in a moment of divided government. It should be disappointing to all those who believe this President when he pledged to shake up the status quo in Washington.

Past Presidents had the foresight to seize the moment, to reach across party lines, and solve an earlier funding problem with Social Security, in the case of President Reagan, and welfare reform in the case of President Clinton.

It is not a question of whether it is possible but a question of whether the

President has the courage to step up to the challenges we face. In this case, one cannot help but wonder if the President, who came into office promising change, has been changed by the office instead.

I hope I am wrong about all this, but all the signs point toward inaction on the part of the White House and, in my view, this would be a tragic failure of leadership.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BUDGET CRISIS

Mr. DURBIN. Mr. President, there was an interesting letter to the editor in the New York Times over the weekend, and it was sent by two Minnesota State representatives. I apologize for not having the names at my fingertips. Democratic and Republican Minnesota State representatives wrote a letter to the editor. It was in response to an article written by David Brooks. Brooks, whom I respect very much, is a conservative and a very thoughtful man and I read him with a lot of interest. Brooks had written about what to do with the State and Federal challenges when it came to budget deficits.

What these two Minnesota State representatives said—a Democrat and a Republican—is, we acknowledge in our State and Nation what we face. We face a situation where we have a weak economy, and we face a situation where the debts that are being incurred by our levels of government are going up too fast, having acknowledged that we have to find a solution.

I am going to probably not say this as accurately, but I thought they said it so well. They said we have come to the conclusion that we cannot just cut our way out of the problem and we cannot tax our way out of the problem, we have to think our way out of the problem. We cannot lurch from one budget battle to another budget battle without looking at the fact that our challenge is a structural, long-term challenge. It does not relate to the immediate budget but to a lot of things that are happening over a long period of time.

I reflected on that for a minute. I thought: There is real wisdom in what they say because, if we look at what we face at the Federal level, there are reasons why we are running into these budget problems, not the least of which, as Senator McConnell mentioned earlier, is that the population of America is changing. Baby boomers have reached the point where they will be drawing on the government benefits they paid for over a lifetime. As more and more draw on these benefits, there is an obvious question as to whether the reserves will be there to take care of them. How do we deal with that?

Let me speak to two particular issues Senator McConnell raised. The first is Social Security. Is there a program that is more important to America? I cannot think of one. That was the starting point of the New Deal when President Roosevelt said: We have to give seniors in America some peace of mind that when retirement rolls around and their senior years roll around, they will, in fact, have enough money to live on, not in a luxurious way but the basics.

There is a time I can remember in my family and many American families where grandparents moved back in with the kids because there was no place to go. They could no longer work and they could no longer afford their homes and they became part of the larger family. It happened in my family and it happened in others.

Then came Social Security, and with a little planning and a little saving and Social Security checks, senior citizens had independence. It was a critically important program. It was an insurance plan—not a welfare plan—an insurance plan that virtually every American paid into and from which every American drew.

Where are we today? I arrived in Congress in 1983 as a brand-new Member of the House from Illinois. They said: Welcome to Washington. Social Security is broke.

I said: Great. I thought I would get a little breathing space. But, in fact, there was not.

President Ronald Reagan and House Speaker Tip O'Neill—a political odd couple if you have ever seen one—got together and hammered out an agreement. The agreement we reached and voted for in 1983 resulted in Social Security remaining solvent from then until 2037. We wanted to buy 75 years of solvency, but we bought over 50.

Those who say today that Social Security is in trouble, I remind them, untouched with no action by Congress, Social Security will make every payment it has promised to every Social Security recipient with a cost-of-living adjustment every month of every year until 2037. There are not many things you can say that about in Washington; that for over 25 years, this program is financially sound.

The bad news is, in 2037, things change dramatically. Untouched at that point, Social Security benefits will go down 22 percent. That is a heavy hit on lower and middle-income retirees. We know that looming 25 years over the horizon is a terrific challenge.

President Obama created a deficit commission. Senator HARRY REID was kind enough—I guess "kind" is the word—was nice enough to appoint me to this Commission. I spent 10 months listening and then voted for the final Commission product. It went into Social Security, and it suggested some things that are inherently controversial. For example, if you are going to give Social Security a longer life, what

is the mix? What will you cut in benefits? How much will you increase revenue? Those are the two things.

I said Social Security is basic arithmetic. Medicare is advanced calculus. Social Security is basic arithmetic, although those basic decisions get to the heart when you retire, how much you receive when you retire and how much you receive in your payroll deductions each month.

The Commission reached an agreement. There were parts I did not like, but it did buy 75 years of solvency for Social Security.

It is interesting that we brought it up then as part of the deficit commission because literally Social Security does not add to the deficit. Currently, there is a surplus in the Social Security trust fund, and that trust fund is being invested in government securities and being paid interest, but it does not add to the deficit.

Many of my colleagues have argued: Why are we debating Social Security as part of deficit reduction if it does not have a direct connection? That is a legitimate point. I have raised the same point myself. I think we should look at it. We should do it on a separate and parallel track to deficit reduction.

I welcome what Senator McConnell said. Let's have that conversation. But I do not think it needs to be the necessary starting point for deficit reduction because there is no connection between the two.

Then I heard Senator McConnell say the President has not shown leadership on Medicare. I respectfully disagree with Senator McConnell. The whole debate about health care reform was lowering the cost of health care. You cannot balance the budget of America with 13 million people unemployed without addressing the skyrocketing cost of health care. President Obama worked with Congress—the House and Senate—to reduce the growth in the cost of health care.

One area was in Medicare. Time and again, the Senator from Kentucky and his colleagues came to the floor and gave critical speeches saying: "The Obama plan is going to take \$500 billion out of Medicare." Day after day, "\$500 billion out of Medicare." If we are seriously talking about budget deficit reform, if we are talking about Medicare reform, we are talking about reducing the anticipated expense of Medicare and reducing at least \$500 billion in costs.

What will that mean to Medicare recipients across America? Does it mean less coverage, less care? It does not have to. I always use as an illustration, the average cost of a Medicare beneficiary in my hometown of Springfield, IL, the average annual cost is \$7,000 to \$8,000. Go up to Chicago, where there are more specialty hospitals and a little higher cost of living and it is not \$7,000 to \$8,000, it is \$8,000 to \$10,000 a year for the average Medicare beneficiary. Then go down to Miami and the number is \$14,000 to \$15,000 a year.

Why the dramatic difference between Chicago and Miami? That is the question we ought to ask. Is there better care in Florida or more expensive care? Can we bring the cost of that care down and not compromise the quality of the care? These are hard questions but the only questions that count if you want to have reform in Medicare that does not sacrifice the basic benefits.

What I would say to Senator McConnell is this: He quoted me early in his statement, and I was not on the floor. Yesterday, I said I was supporting not the House Republican budget but the budget proposed by Senator Inouye. This budget, for the remainder of this year, the next 6½ months, would cut about \$10 billion more. We would cut \$51 billion below what President Obama asked for this year. In the Senate, we will have reached \$51 billion. In the House, they went \$100 billion below what the President asked.

I think there is a qualitative, not just quantitative but qualitative, difference in the approach. I think the House Republican budget went too far. I do not believe we need to cut the basics in education for lower income families across America, and that is exactly what the House Republican budget does.

Let me give an illustration. They reduced dramatically the amount of money going to be spent on Head Start. I do not know how many Members have had a chance to visit Head Start Programs. I did a couple weeks ago in Chicago. These are kids who are most likely to drop out without some intervention, most likely to struggle in pre-K and kindergarten and most likely to have a difficult time learning. So they bring them into Head Start at an early age and they learn. The one I visited in Chicago is nothing short of amazing. They were teaching these little kids—and they were so impressive—Chinese as well as a Nigerian dialect, and these kids were chattering away. I thought this experience—being together, learning, singing, being so happy about it—cannot help but prepare these kids for a classroom setting where they are going to learn in just a couple years.

The House Republican budget dramatically cuts the Head Start Program. These kids and the teachers and staff who support them will be gone under their proposal, and what will happen to those kids? I am not sure. I don't know if there will be a babysitter down the street or whether someone else will intervene. But it is possible, without early intervention and early training and education, these kids will show up in a year or two for prekindergarten or kindergarten and not be as far along as they should be. Does that make their chances at success better? No, of course not. We know that. The studies have shown it.

The second area the House Republican budget cuts is the money to school districts in the poorer parts of America. In my home State there are

plenty of those—my hometown of East St. Louis, IL, for example. To cut back on Federal assistance to that poor community at this moment in time would be a mistake. We need to make sure these young people have good teachers and good resources and can learn, even though they live in a town that is economically poor. The House Republican budget cuts that money and cuts the teachers for these school districts.

Then it cuts the money for Pell grants. Pell grants are the college aid grants given to students from lower income families. Many of them don't have a chance to go to school unless they get a grant so they can proceed with their education. The House Republican budget cuts \$850 a year out of the Pell grants for lower income students—students from lower income families. That, unfortunately, will mean many of them will drop out.

When I went to visit with the president of Augustana College, a private Lutheran college in the quad cities area, he anticipated they would lose 1 out of every 20 students because of this cut in Pell grants. So if students—when we have high unemployment in a recession—are dropping out of college because of House Republican budget cuts, the obvious question is: Does that make America's workforce any better? Are we in a better position to compete with China and the other countries of the world or will we sacrifice our advantage because students have to drop out of school? I think the answer is obvious.

That is why the House Republican budget, which some support, goes too far. It cuts too much in education. It would cut dramatically medical research. What were they thinking in the House of Representatives, that we would cut the National Institutes of Health, medical research in critical areas—Alzheimer's, Lou Gehrig's disease, diabetes, cancer—at a time when we know research and innovation are critical for America's success. Why would the House Republican budget cut back so dramatically in areas we know pay off?

I think they made some poor choices, and that is why I support the Senate Democratic approach—\$10 billion in cuts but preserving in education, worker training, education research, innovation, and infrastructure the investments we need at this moment in our history, with the recession we face and 13 million Americans out of work. That, to me, is why the difference is so stark in contrast.

Senator McConnell spoke with the President and said he needed to show more leadership. I know where the President is on this. He wants us to reach an agreement in terms of the decisions which we need to make to move us toward a balanced budget, but we need to do it in a thoughtful way, first, coming out of the recession making America's workforce stronger for the future, helping small businesses create

jobs, and investing in infrastructure which creates good-paying jobs right here in America.

Mr. President, I understand we are going to go into executive session, and I am going to pause at this time and ask if the Chair is ready to report executive session so I can discuss two judicial nominations.

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF ANTHONY J. BATTAGLIA TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NOMINATION OF SUE E. MYERSCOUGH TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

NOMINATION OF JAMES E. SHADID TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California, Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois, and James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate with respect to these nominations, with the time equally divided in the usual form.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of two of the nominees. I will vote for all three, but I rise in support of two of the nominees—Sue Myerscough and James Shadid for the Central District of Illinois. These are nominees whom I presented to the President and who passed through the review not only by the White House but also by the Senate Judiciary Committee and now come before us today to be considered by the Senate.

This day has come not a moment too soon for the Central District of Illinois, which I call home. It is a huge district. It covers 46 counties, includes the State capital, as well as cities such as Peoria, Urbana, and Rock Island. Since last August, the Central District of Illinois has had only one Federal district court judge out of four. There are supposed to be four and, unfortunately, three seats have been vacant. Those

three vacancies were all designated as judicial emergencies by the Administrative Office of the U.S. Courts.

The chief judge, and the only active judge not in senior status, of the district—Mike McCuskey, also one of my nominees—has done an amazing job keeping the judicial system running for the past 7 months. Mike, in years gone by, had had some health issues. They asked him whether there was anything they could do to relieve the stress he was facing, being the only judge out of four in the district. He said: Only the Senate can relieve this stress. Today, Mike McCuskey, we are going to do our best to relieve that stress and send two excellent new district court judges.

It hasn't been easy. Right now there are no active status judges in the Federal courthouses in Springfield and Peoria. Judge McCuskey, who is based in Urbana, has put a lot of miles on his car driving around this large district to keep the dockets moving. I salute him for his dedicated service, and I wish to also salute Judges Mike Mihm, Joe Billy McDade, Harold Baker, and Richard Mills, who stepped up to help out the district, despite some personal family and health challenges. They have stepped up, even though they are in senior status, to try to make sure the district was served.

I am pleased that help is on the way to the Central District of Illinois. I also wish to thank my colleague, Senator MARK KIRK, who has joined me in presenting these nominees to the Senate.

The first I wish to mention is a friend of mine for many years, Sue Myerscough. She has been prominent on the legal landscape of Springfield for many years. She has over 23 years of judicial experience and currently serves as an elected justice on the Illinois Fourth District Appellate Court.

Justice Myerscough has been nominated to fill the Springfield-based judgeship that was vacated by the retirement of Judge Jeanne Scott, another one of my appointees who served that district so well.

Justice Myerscough is a Springfield native. She earned her bachelor's degree and law degree from Southern Illinois University. She began her legal career as a law clerk for Judge Harold Baker of the same Central District. Following her clerkship, she worked for 6 years in private practice.

Judge Myerscough was appointed as an associate judge of the Illinois Seventh Judicial Circuit in Springfield in 1987. In 1990, she was elected as a circuit judge for that court. During her 11 years as a trial judge, she presided over thousands of bench and jury trials, including some of the most complex civil litigation and murder trials. In 1988, Judge Myerscough was elected to her current seat on the Illinois appellate court and in 2008 won her retention election.

During her years on the appellate court, she has authored over 1,200 decisions on a wide range of issues. Justice

Myerscough has worked to promote legal education for schoolchildren, and since 2001 she has served on the Board of Visitors for the Southern Illinois University Law School. She is an excellent judge, she is an excellent lawyer, she has a great family, and I am proud the President presented her name and the Senate will have a chance to vote on her today.

Jim Shadid is a leading figure in the Peoria legal community. He currently serves as a judge on the Tenth Judicial Circuit in Peoria County. He has been nominated to fill the Peoria-based Federal judgeship that was vacated when Judge Mihm took senior status.

Judge Shadid was born in Peoria and received his undergraduate degree from Bradley University. He was quite a baseball player for the Bradley Braves. He was a two-time team MVP and was inducted into the Bradley Athletics Hall of Fame. After graduation, he played a season of minor league baseball before he turned his talents to law and getting his J.D. from the John Marshall Law School in Chicago.

He was first appointed as a circuit judge in 2001 and won retention elections in 2002 and 2008. He has presided over approximately 300 trials and thousands of additional pleas and sentencings. Prior to his service on the State bench, Judge Shadid worked as an attorney in private practice, as a part-time Peoria County public defender, as a part-time commissioner on the Illinois Court of Claims, and as an assistant attorney general in Illinois.

In addition to his broad legal experience, Judge Shadid has an impressive record of service to the Peoria community, including tenure as president of the Boys and Girls Club of Greater Peoria.

Judge Shadid was the first Arab American to serve as a State judge in Illinois. Upon his confirmation, he will be the only Arab-American Federal judge in the State and one of only a handful nationwide. There is a large Arab-American community in Peoria, including my friend, the U.S. Transportation Secretary, Ray LaHood. I know this community and all of Peoria and Illinois will be so proud of Judge Shadid.

Both Justice Myerscough and Judge Shadid were unanimously reported by the Judiciary Committee last month, and in a short time the Senate will take up their nominations. I hope my colleagues will agree that the people of Illinois will be well served with these two fine individuals on the bench.

We will still have one vacancy, when these two are approved. Fortunately, President Obama has nominated another excellent candidate to fill that vacancy. Sara Darrow is a distinguished Federal prosecutor, whom I was pleased to recommend to the White House. I look forward to working with my colleague, Senator KIRK, to consider her nomination in an expedited fashion.

Also working with Senator KIRK, we have a bipartisan agreement in terms